

**TRAVIS COUNTY, TEXAS LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)  
BY-LAWS OF THE LEPC**

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## **ARTICLE 1. NAME AND PURPOSE**

### **1.01 Name.**

The name of this organization shall be the Travis County Local Emergency Planning Committee, ("LEPC").

### **1.02 Purpose.**

The primary purpose of the LEPC shall be to carry out those responsibilities required pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 ("EPCRA") and related regulations. These responsibilities include but are not limited to the following activities:

- 1.02.01 development, training and testing of an hazardous substances emergency response plan for Travis County;
- 1.02.02 development of procedures for regulated facilities to provide notification to the LEPC in accordance with EPCRA;
- 1.02.03 development of procedures for receiving a processing request from the public under the community right-to-know provisions of EPCRA; and
- 1.02.04 provisions for public notification of committee activities.

The secondary purpose of the LEPC is to implement any other and further related activities that may be legally required by the federal government, the State Emergency Response Commission ("SERC"), or the County Judge.

No part of the net earning of the organization shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof.

No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under section 170 (c) (2) of the Internal Revenue Code, or corresponding section of any future federal tax code."

## **ARTICLE 2. MEMBERSHIP**

### **2.01 Qualifications.**

The LEPC shall consist of those members nominated by the County Judge and approved by SERC. Those persons named shall represent the professional and community groups designated by EPCRA and shall include representatives for each of the following groups:

1. Elected state and local officials;
2. Law enforcement personnel, civil defense personnel, fire fighting personnel, first aid personnel, health personnel, local environmental personnel, hospital transportation personnel;
3. Members of the broadcasting and print media;
4. Members of community groups;
5. Owners and operators of facilities that are subject to regulations by EPCRA and
6. Environmental offices (governmental).

Members of the LEPC must be residents of or conduct business in Travis County.

#### 2.02 Number of Members.

The LEPC shall consist of not less than twelve (12) members or more than thirty (30) members.

#### 2.03 Term of Office.

The members of the LEPC shall be selected for two (2) year terms, expiring on March 31 of even numbered years. The members of the LEPC shall retain their membership until their respective successors are selected by the County Judge and approved by the SERC or until their death, resignation, or removal.

#### 2.04 Vacancies.

Any vacancy occurring in the membership of the LEPC by reason of completion of term, resignation, removal, death, or disqualification of a member shall be filled by appointment in accordance with Article 2.01. Suggestions for candidates to fill vacant positions may be made by the membership of the LEPC.

In addition, interested parties can make suggestions from any of the groups of which LEPC membership is composed or by the general public. Suggestions must be provided either in writing to the LEPC Chairman, or by verbal nomination at the appropriate LEPC meeting.

#### 2.05 Removal of Members

A member may be removed with or without cause from the LEPC by vote of a majority of the members of the LEPC entitled to vote at any regular or special meeting of the LEPC after thirty (30) days notice to the member of the intended vote.

Any member who is unable to attend a regular meeting of the LEPC may notify the Chairperson. Any member who is absent from five (5) or more regular meetings or committee meetings of the LEPC may be removed by vote of the LEPC without notice to the member.

## **ARTICLE 3. MEETINGS.**

### **3.01 Place of Meetings.**

All meetings of the LEPC shall be held at a place designated in the notice of the meeting. Meetings shall be held within Travis County at a time designated by the Chairperson of the LEPC at the most recent preceding meeting of the LEPC or subsequent to that meeting with written notice to each member of the time and place of the meeting.

### **3.02 Notice of Meeting.**

Travis County in accordance with the Open Meetings Act shall post notice of meeting.

### **3.03 Quorum.**

Thirty-three percent (33%) of the members of the LEPC, or their proxies, shall be necessary to constitute a quorum for the transaction of business, except to set the time and place of the next meeting and to adjourn the LEPC. If a quorum is present, every act or decision done or made by a majority of the members of the LEPC, or their proxies, present shall be regarded as an act of the LEPC.

In the absence of a quorum, a majority of the members, or their proxies, present at any LEPC meeting, either regular or special, may adjourn from time to time and set the time fixed for the next meeting of the LEPC.

### **3.04 Conduct of Meetings.**

The Chairperson or, in the Chairperson's absence, the Vice-Chairperson or any member selected by the members present, shall preside at the meetings of the LEPC. The person that is appointed by the presiding officer should act as secretary of the LEPC.

### **3.05 Agenda of Meetings.**

The agenda of each meeting shall include an opportunity for oral public comments on any aspect of the LEPC. The Chairperson shall afford a reasonable period of time at the beginning of each regular meeting to accept any oral public comments that any member of the general public offers.

### **3.06 Frequency of LEPC Meetings.**

There shall be at least four (4) regular meetings of the LEPC each year. The Chairperson may call special meetings of the LEPC at any time and place that the Chairperson designates. The Chairperson must call a special meeting of the LEPC upon a written request of five (5) members of the LEPC.

### **3.07 Proxies**

If any member of the LEPC is unable to attend a meeting of the LEPC, that member may authorize another person from their organization, to act as and use the member's proxy.

### **3.08 Voting.**

Only those members of the LEPC, or their proxies, present at a meeting shall be entitled to vote at that meeting.

## **ARTICLE 4. NON-PROFIT CORPORATION AND DIRECTORS.**

### **Non-Profit Corporation**

The Travis County LEPC shall be incorporated in the State of Texas as a Non-Profit Corporation pursuant to Article 3.02 Texas Non-Profit Corporation Act. It shall file for tax exemption status with the Texas State Comptroller and for 501(c)(3) exemption under the Internal Revenue Code.

### **Board of Directors**

The Board of Directors for the Non-Profit Corporation shall consist of the current LEPC Chairperson, the Travis County Emergency Management Coordinator, and the Supervising Engineer for the Emergency Prevention Division of the Austin Fire Department. Directors shall be replaced when incumbents in these positions change.

### **Corporate Business**

The business of the Non-Profit Corporation shall be conducted by the Board of Directors. Expenditure of funds shall be authorized by the LEPC members at a general meeting.

## **ARTICLE 5. OFFICERS.**

### **5.01 Enumeration of Officers.**

The officers of LEPC shall include a Chairperson, a Vice-Chairperson, a Secretary, a treasurer, and such other officers as the members of the LEPC shall establish by resolution. All officers of the LEPC shall be members of the LEPC.

### **5.02 Selection of Officers.**

All officers of the LEPC shall be elected from the membership of the LEPC at a meeting of the LEPC at which a quorum is present. The retiring Chairperson may accept nominations from the membership for each position, then election may be by voice vote.

### **5.03 Term of Officers**

The term of the elected officers shall expire on March 31st of each even numbered year, or when the officer's successor is elected, whichever occurs later.

### **5.04 Duties of Chairperson.**

The Chairperson shall preside at all meetings of the LEPC; shall serve on the Board of Directors for the Non-Profit Corporation, shall serve as ex-officio member of all committees; shall perform such duties and acts as necessary to accomplish the goals of the LEPC.

### **5.05 Duties of Vice-Chairperson.**

If the Chairperson is absent, resigns, or dies, the Vice-Chairperson shall perform the duties of the Chairperson. The Vice-Chairperson shall perform any other duties that may be assigned by the Chairperson.

## Secretary

The Secretary shall prepare and distribute meeting notices, prepare and file meeting minutes, and store papers, documents, historical records, and other property of the LEPC.

## Treasurer

The Treasurer shall maintain complete financial books and records of account, prepare financial reports for review by the members at regular meetings, maintain LEPC bank accounts, reconcile monthly bank statements, and maintain the LEPC check book.

## **ARTICLE 6. COMMITTEES**

### 6.01 Reserved

### 6.02 Standing Committees.

The following Standing Committees shall be established:

#### 6.02.01 Procedures and Reports Committee.

This committee shall be responsible for the formulation of all policies, procedures and reports concerning the public right to know program; the formulation of all chemical release reporting procedures; the establishment of trade secret protection procedures; and the formulation of all record keeping and information dissemination procedures for the LEPC.

#### 6.02.02 Community Awareness Committee.

This committee shall be responsible for the development of a public alert and notification program; public relations with effected communities and the public at large; all publicity of the LEPC; and development of public education and information programs.

#### 6.02.03 Hazard Analysis Committee.

This committee shall be responsible for procedures for identification and communication with affected facilities. This committee shall provide the Planning Committee with the information about location of hazardous materials necessary to develop a hazardous substance emergency response plan for the County as required by law.

#### 6.02.04 Resource Analysis Committee.

This committee will work with existing emergency response organizations within the planning district to provide the Planning Committee with information about the resources that are available and necessary to develop a hazardous substance emergency response plan for the County as required by law.

#### 6.02.05 Planning Committee.

This committee will work with the Hazard Analysis Committee and the information it provides and the Resource Analysis Committee and the information it provides to develop and test a hazardous substance emergency response plan for the County as required by law. This committee shall review existing federal, state, and local plans to coordinate with the LEPC planning process.

#### 6.03 Membership of Standing Committees.

All LEPC members must be a member of at least one (1) Standing Committee and may not serve on more than two (2) Standing Committees.

Members may volunteer for participation in standing committees but final membership on the Standing Committees shall be determined by the Chairperson of the LEPC to ensure that all committees have enough members to perform their responsibilities.

Members of the general public may volunteer for participation in Standing Committees but membership on the Standing Committee shall be determined by appointment by the Chairperson for the LEPC. Members of the general public shall be full voting members of any Standing Committee to which they are appointed.

#### 6.04 Ad Hoc Committees.

The Chairperson of the LEPC may create ad hoc Committees as necessary to perform additional functions of the LEPC.

#### 6.05 Officers of Committees.

Each committee shall have a Chairperson. Chairpersons of Committees shall be appointed by the Chairperson of the LEPC.

#### 6.06 Committee Meetings.

The Chairperson of the LEPC or the Chairperson of the committee as necessary shall call committee meetings. Committee recommendations must have the majority votes of a committee quorum. A committee quorum will consist of 33% of the persons officially listing on the LEPC Committee listing.

### **ARTICLE 7. PUBLIC NOTIFICATION OF LEPC ACTIVITIES**

#### 7.01 Notice of LEPC Activities.

At least once each calendar year the LEPC shall publish in a local newspaper of general circulation in Travis County a notice that the emergency response plan, and inventory forms have been submitted to LEPC under EPCRA, Section 324(b), and that follow-up emergency notices may be issued.

The notice shall also announce that members of the public who wish to review any plan, sheet, form or follow-up notice may do so and state the location where these documents are available.



## **ARTICLE 8. PUBLIC ACCESS INFORMATION.**

### **8.01 Mandatory Availability of Information.**

Pursuant to the Texas Open Records Act; the LEPC shall make available to any person requesting it, information obtained from an owner or operator that is required by law to be submitted to the LEPC.

### **8.02 Request for Tier II Inventory Forms.**

Any person may obtain Tier II inventory forms for a specific facility or any other non-confidential information in the possession of the LEPC in the following manner:

#### **8.02.01**

By mailing or delivering a request in writing to the LEPC, or

#### **8.02.02**

By submitting a written request in person during normal working hours at the hazardous material section of the City of Austin Fire Department. The person making the request shall pay the reasonable expense of photocopying and researching the documents requested in accordance with the Texas Open Records Act.

### **8.03 Response to Request for Tier II Inventory Forms.**

If the request is mailed or delivered, a response shall be made no later than forty-five (45) days after the date of receipt of the request by the LEPC. The LEPC is granted authority to collect certain information for preplanning purposes in accordance with EPCRA and the Texas Hazardous Communication Act.

If the LEPC does not have the information requested in its possession, the LEPC shall request a submission of the requested information from the owner or operator of the facility about which the request has been made. After submission of the information requested, the LEPC shall notify the person who requested it and respond to the request after payment of the reasonable expense of photocopying the documents requested.

### **8.04 Discretionary Availability of Information.**

If Tier II information about a hazardous chemical which a facility has stored in a quantity less than the threshold reporting quantity is not in the possession of the LEPC, a person requesting this information must state the general need for the information in the request.

Depending upon the need expressed, the LEPC membership may vote to request the desired information from the owner or operator of the facility. If the LEPC decides to request the desired information on behalf of such a person, the LEPC shall make the information available to the person requesting it in the manner described In Article 8.03.

### **8.05 Information Protected From Public Disclosure.**

The LEPC shall withhold from disclosure the following information:

#### 8.05.01

Subject to the requirements of Section 312 of EPCRA; the specific on-site location of any specific chemical required in the inventory form as Tier II information if the owner or operator of a facility has requested that it be withheld from disclosure; and

#### 8.05.02

Trade secrets as asserted and processed under the provisions of Section 322 of EPCRA

#### 8.06 Exception to Protection from Public Disclosure.

Any information which is the subject of a claim of protection from public disclosure and eligible for that protection from public disclosure shall not be disclosed by the LEPC only as authorized by the Texas Open Records Act.

### **ARTICLE 9. MISCELLANEOUS PROVISIONS**

#### 9.01 Parliamentary Authority.

The rules contained in Robert's Rules of Order, Newly Revised, shall govern the LEPC in all procedural matters to which they are applicable and which are not specifically dealt with in these rules.

#### 9.02 Designation of Coordinator for Information.

The LEPC understands that the Fire Chief through the Hazardous Materials Section of the City of Austin Fire Department will serve as coordinator for information required to be submitted under EPCRA and the Texas Hazardous Communication Act. This designation is subject to change depending upon the Interlocal Agreement between Travis County and the City of Austin for providing the designee's duties.

#### 9.03 Fiscal Year.

The fiscal year shall commence on October 1st and shall end on September 30th of each year.

#### 9.04 Indebtedness.

No indebtedness may be incurred by the LEPC unless approved by Travis County Commissioners Court before the indebtedness is incurred.

#### 9.05 Photocopying Rates.

From time to time the LEPC shall set the rates to be charged per page for photocopying and administrative costs, at the rate necessary to recover the reasonable expenses. These costs shall generally be the same as those rates annually set by the City of Austin, and in accordance with the Texas Open Record Act.

#### 9.06 Amendment of these Rules.

These rules may be amended by a two-thirds (2/3) vote of the members of the LEPC present and voting at any meeting of the LEPC.

9.07 Severability.

If a Court of competent jurisdiction declares any portion of these rules invalid, the remainder of these rules shall remain valid and binding.

9.08 Effective Date of Rules.

The Rules of the LEPC become effective upon approval by a majority of those in attendance at the meeting of the LEPC at which approval of these rules was posted on the agenda.

This Rule of the LEPC, as amended, became effective upon approval by a majority of those in attendance at the meeting of the LEPC at which approval of these rules was posted on the agenda. (March 23, 1999)

**ARTICLE 10. DISSOLUTION**

The Non-Profit Corporation must be dissolved in accordance with Article 3.02 Texas Non-Profit Corporation Act and Section 501(c)(3) of the Internal Revenue Code.

The Non-Profit Corporation may be dissolved without dissolving the LEPC as an organization formed under Public Law 99-499.